

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 05-20005-BC
Honorable David M. Lawson

JESUS JULIO FLORES,

Defendant.

ORDER DIRECTING RE-APPOINTMENT OF ATTORNEY DAVID KOELZER AS CO-COUNSEL FOR THE DEFENDANT AND RESCHEDULING SENTENCE HEARING

On October 18, 2005, the Court began a sentence hearing on the record with counsel and the defendant Jesus Julio Flores, as well as Interpreter Maria Longley. At that time, the Court made inquiry of attorney Andrew Wilkins regarding the review of the presentence report with the defendant with the assistance of a Spanish speaking interpreter. Mr. Wilkins indicated that he had not gone over the presentence report with the defendant with or without the assistance of an interpreter. Defense counsel has an obligation to review the presentence report with his client prior to the sentencing hearing. *See* Fed. R. Crim. P. 32(i)(1)(A). The Court made further inquiry of attorney Wilkins and the defendant, determined that the defendant should be given additional time to review the presentence report with the assistance of an interpreter, and adjourned the sentence hearing.

In further review of this matter, the Court has determined that, in the interest of justice, attorney David A. Koelzer, previously appointed as defense counsel, shall be re-appointed as co-counsel for the defendant under the Criminal Justice Act. A district court may, in its discretion, appoint co-counsel if it finds that co-counsel is necessary to “protect the integrity of the trial

process.” *Locks v. Sumner*, 703 F.2d 403, 407 (9th Cir. 1983). The Court finds that it is necessary to appoint counsel more familiar with federal criminal sentencing procedures in order to protect the integrity of the process.

Accordingly, it is **ORDERED** that this matter is **REFERRED** to United States Magistrate Judge Charles E. Binder for appointment of attorney David A. Koelzer as co-counsel under the Criminal Justice Act.

It is further **ORDERED** that the sentencing hearing shall be adjourned to **Tuesday, November 29, 2005 at 3:30 p.m.**

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 20, 2005

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 20, 2005.

s/Tracy A. Jacobs
TRACY A. JACOBS